

110TH CONGRESS  
1ST SESSION

# H. R. 2554

To amend title 18 of the United States Code to require HIV testing of Federal prisoners about to be released, to direct the Attorney General of the United States and the Secretary of Health and Human Services to provide HIV/AIDS treatment for recently released Federal prisoners, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Ms. WATSON introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 18 of the United States Code to require HIV testing of Federal prisoners about to be released, to direct the Attorney General of the United States and the Secretary of Health and Human Services to provide HIV/AIDS treatment for recently released Federal prisoners, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “After Care Act of  
3 2007”.

4 **SEC. 2. REQUIREMENT OF AIDS TESTING FOR PRISONERS**  
5 **ABOUT TO BE RELEASED.**

6       Section 4014(a) of title 18, United States Code, is  
7 amended by adding at the end the following: “The Attor-  
8 ney General shall cause each individual about to be re-  
9 leased from a sentence of imprisonment for a Federal of-  
10 fense, other than those who have already tested positive  
11 for the human immunodeficiency virus, to be tested for  
12 the presence of that virus. If an individual is determined  
13 under the preceding sentence to test positive for the pres-  
14 ence of the human immunodeficiency virus, the Attorney  
15 General shall inform the individual, prior to the individ-  
16 ual’s release, that the individual has tested positive for  
17 such virus and has an obligation to accept treatment  
18 through the program under section 4 of the After Care  
19 Act of 2007.”.

20 **SEC. 3. CONDITIONS OF SUPERVISED RELEASE.**

21       Section 3583(d) of title 18, United States Code, is  
22 amended by inserting after the 4th sentence the following:  
23 “The court shall order, as explicit conditions of supervised  
24 release, that the defendant accept treatment through the  
25 program under section 4 of the After Care Act of 2007  
26 and provide notice to any prospective sexual partner that

1 the defendant has tested positive for the presence of the  
2 human immunodeficiency virus before engaging in any sex  
3 act with such partner, if the Attorney General informs the  
4 defendant before the defendant's release from prison that  
5 the defendant has tested positive for the presence of the  
6 human immunodeficiency virus and it will be the obliga-  
7 tion of the defendant to accept such treatment and provide  
8 such notice.”.

9 **SEC. 4. PROGRAM FOR HIV/AIDS TREATMENT OF RECENTLY**  
10 **RELEASED FEDERAL PRISONERS.**

11 (a) ESTABLISHMENT.—The Attorney General of the  
12 United States and the Secretary of Health and Human  
13 Services, acting jointly, shall establish and maintain a pro-  
14 gram to provide to each eligible individual treatment for  
15 HIV/AIDS throughout the treatment period.

16 (b) CONSULTATION.—In carrying out this section,  
17 the Attorney General of the United States and the Sec-  
18 retary of Health and Human Services shall consult with  
19 the Director of the Centers for Disease Control and Pre-  
20 vention, the Administrator of the Health Resources and  
21 Services Administration, and the Administrator of the  
22 Centers for Medicare & Medicaid Services.

23 (c) PROGRAM REQUIREMENTS.—The program estab-  
24 lished under subsection (a) shall provide for the following:

1           (1) Each eligible individual shall be provided  
2           with treatment for HIV/AIDS throughout the treat-  
3           ment period.

4           (2) Prior to the eligible individual's release by  
5           the Bureau of Prisons, a culturally competent health  
6           care provider shall be assigned to the individual—

7                   (A) to formulate a medical discharge plan  
8                   for the individual; and

9                   (B) to continue to provide support services  
10                  to the individual throughout the treatment pe-  
11                  riod.

12           (3) A discharge plan under paragraph (2)(A)  
13           shall include—

14                   (A) completion of the procedural require-  
15                   ments necessary to establish eligibility for bene-  
16                   fits under government programs, such as Med-  
17                   icaid, in sufficient time so that such eligibility  
18                   has been established prior to release;

19                   (B) provision of government-issued identi-  
20                   fication; and

21                   (C) provision to the eligible individual and  
22                   to the health care provider assigned to the indi-  
23                   vidual under paragraph (2) of copies of all med-  
24                   ical documents relating to the individual's treat-

1           ment while incarcerated, including copies of  
2           prescriptions.

3           (4) Prior to the eligible individual's release by  
4           the Bureau of Prisons—

5                   (A) a determination shall be made as to  
6           whether the individual will be homeless upon re-  
7           lease; and

8                   (B) if the individual would otherwise be  
9           homeless upon release, arrangements shall be  
10          made for safe and appropriate housing for the  
11          individual.

12          (5) Prior to the eligible individual's release by  
13          the Bureau of Prisons, the health care provider as-  
14          signed to the individual under paragraph (2) shall  
15          schedule a medical appointment for the individual.

16          (6) Prior to the eligible individual's release by  
17          the Bureau of Prisons—

18                   (A) the individual shall be provided with a  
19          one to two week supply of medications for treat-  
20          ment for HIV/AIDS; and

21                   (B) to minimize the risk of such medica-  
22          tions being resold—

23                           (i) if the individual is receiving pain  
24                   medication while incarcerated, the indi-  
25                   vidual shall be tested to determine whether

1 the individual has been taking or selling  
2 the medication; and

3 (ii) the medications provided under  
4 subparagraph (A) shall be provided in a  
5 form, such as open boxes, that is more dif-  
6 ficult to sell.

7 (7) At the point of the eligible individual's re-  
8 lease by the Bureau of Prisons, the individual—

9 (A) shall be met and escorted to the serv-  
10 ices necessary for treatment for HIV/AIDS; and

11 (B) shall be provided with any appropriate  
12 emergency assistance, such as appropriate  
13 clothing.

14 (8) During the treatment period—

15 (A) the eligible individual shall be provided  
16 with a contact for his or her first medical ap-  
17 pointment and, if necessary, arrangements shall  
18 be made for subsequent appointments;

19 (B) the individual shall be provided with  
20 treatment adherence services to help the indi-  
21 vidual understand and adhere to the applicable  
22 medical regimen;

23 (C) the individual shall be provided, as de-  
24 termined necessary, with access to substance

1 abuse treatment and to mental health services;  
2 and

3 (D) a skilled and culturally competent case  
4 manager and counselor shall be assigned to  
5 work with the individual to ensure that needed  
6 support services are obtained, medical appoint-  
7 ments are kept, and the individual is supported  
8 through the difficult transition from incarcer-  
9 ation to the streets.

10 (9) Before the end of the treatment period, the  
11 health care provider assigned to the eligible indi-  
12 vidual under paragraph (2) shall arrange for the  
13 continuation of treatment for HIV/AIDS after such  
14 period.

15 (d) DEFINITIONS.—In this section:

16 (1) The term “eligible individual” means an in-  
17 dividual who—

18 (A) is released from a sentence of impris-  
19 onment for a Federal offense; and

20 (B) at the time of such release, tests posi-  
21 tive for the presence of the human immuno-  
22 deficiency virus.

23 (2) The term “treatment for HIV/AIDS”  
24 means treatment for human immunodeficiency virus  
25 or acquired immune deficiency syndrome. Such

1 treatment includes health care (including the provi-  
2 sion of medication), counseling, and education.

3 (3) The term “treatment period” means the pe-  
4 riod—

5 (A) beginning on the date of the individ-  
6 ual’s release by the Bureau of Prisons; and

7 (B) ending on the date that is 2 years  
8 after such date of release.

9 (e) APPLICABILITY.—This section applies only with  
10 respect to eligible individuals released on or after the dates  
11 that is 60 days after the date of the enactment of this  
12 Act.

13 (f) FUNDING.—For fiscal year 2008 and each subse-  
14 quent fiscal year, there shall be appropriated such sums  
15 as may be necessary to carry out this section.

16 **SEC. 5. UNLAWFUL SALE OF FEDERALLY FUNDED HIV/AIDS**  
17 **MEDICATION.**

18 (a) PROHIBITION.—A person receiving HIV/AIDS  
19 medication, including antiretrovirals, through a Federal  
20 program shall not sell, or trade for any benefit, such medi-  
21 cation.

22 (b) ENFORCEMENT.—If a person violates subsection  
23 (a), the Federal official responsible for the program in-  
24 volved shall prohibit the person from receiving any addi-



1 tional HIV/AIDS medication through such program, un-  
2 less the person agrees to abide by the following:

3 (1) The person will receive such medication only  
4 through a pharmacy that has been designated by the  
5 Secretary of Health and Human Services as a spe-  
6 cialty HIV pharmacy.

7 (2) The person will receive counseling to help  
8 him or her understand and adhere to the applicable  
9 medical regimen.

10 (c) DESIGNATION OF SPECIALTY HIV PHAR-  
11 MACIES.—For purposes of subsection (b)(1), the Secretary  
12 of Health and Human Services shall designate a pharmacy  
13 as a specialty HIV pharmacy if the pharmacy agrees to  
14 take such actions as may be determined necessary by the  
15 Secretary to prevent persons who receive HIV/AIDS medi-  
16 cation from violating subsection (a).

17 (d) DEFINITION.—In this section, the term “HIV/  
18 AIDS medication” means medication to treat the person  
19 involved for human immunodeficiency virus, acquired im-  
20 mune deficiency syndrome, or related symptoms.

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